

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

HARRISON MANUFACTURING, LLC,)	
)	
Counter Claimant,)	
)	Case No. 4:11-cv-00065-TWP-WGH
vs.)	
)	
RON BIENIAS.)	
Counter Defendant.)	

ENTRY DENYING MOTON FOR CONTINUANCE

This matter is before the Court on Counter Defendant Ron Bienias’ (“Mr. Bienas”) *pro se* Motion for Continuance of the February 14, 2014, damages hearing. On February 6, 2014, Magistrate Judge Hussmann granted Mr. Bienias’ Motion to Withdraw Attorney Appearance, noting that Mr. Bienias terminated his attorneys and wished to proceed without counsel. Magistrate Judge Hussmann also denied Mr. Bienias’ oral motion to continue the damage hearing.

Mr. Bienias has informed the Court that he is suffering from a neurological condition under the care of neurologist Elena Crisan (“Dr. Crisan”). Dr. Crisan writes that Mr. Bienias “is able to perform his full time work duties with the following limitations: no driving for 6 months after the last amnestic event” Dkt. 244 at 2. It is the Court’s understanding that Mr. Bienias has recently suffered an amnestic event, and therefore, is under orders not to drive. Further, Mr. Bienias believes that he may not have his “full memory and mental facilities” available to him at the damages hearing. Dkt. 244 at 1.

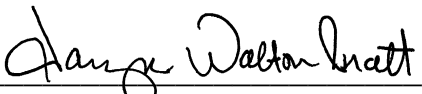
The Court is very sympathetic to Mr. Bienias’ medical condition and current restrictions. However, the Court must deny his Motion for Continuance for several reasons. First, Mr.

Bienias requested that the liability and damages portions of this matter be bifurcated—in part because his attorneys needed time to adequately prepare for the damages stage. It was his choice to have a damages hearing at a later date. Second, Mr. Bienias has elected to proceed without counsel, in spite of his memory difficulties; and he has not requested a continuance in order to retain counsel. The Court does not believe that more time will adequately address Mr. Bienias' concerns about his full memory and mental facilities. Third, Dr. Crisan's restrictions do not prevent Mr. Bienias from travel or full time work. Thus, it is apparent that he is able to participate in a hearing. However, Mr. Bienias cannot drive to Indianapolis. The Court notes that there are public transportation options available for travel between Chicago and Indianapolis that may be of use to Mr. Bienias. Finally, Harrison Manufacturing has prepared for and has expert witnesses scheduled to testify at the hearing. At this late date, continuance would unduly burden the Counter Claimant.

For these reasons, the Motion for Continuance (Dkt. 244) is **DENIED**. The damages hearing will take place on February 14, 2014 at the Birch Bayh Federal Courthouse Room 344, at **10:00 a.m.**, as opposed to the originally scheduled 9:00 a.m. start time. The Court hopes this later start time will aid Mr. Bienias' travels to Indianapolis.

SO ORDERED.

Date: 02/11/2014



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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